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Human rights situations that require the Council's attention

Written statement* submitted by Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Palestinian refugees in Jordan

The Palestinian Return Centre is deeply concerned with the situation of refugees from Gaza and Palestinian refugees from the Syrian Arab Republic (PRS) residing in Jordan, and would like to bring to the Council's attention the discriminatory policies enforced by the government of Jordan on these communities.

Jordan has ratified human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social Rights (ICESCR), and the Convention to End all Forms of Racial Discrimination which makes it liable to respecting, protecting and fulfilling key tenants of human rights for its Palestinian refugee population, especially Article 2 (1) of the ICCPR, which states that 'each State Party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'1 The right to work in relation to PRG will be discussed as well as the duty of non-refoulement, and the right to movement in relation to PRS.

According to UNRWA's records as of 2016, there are 2,175,491 registered Palestinian refugees in Jordan.2 Almost 140,000 are Gazan refugees3 and nearly 17,000 are PRS.4 18% of Palestinian refugees reside in one of the 13 recognised and unrecognised refugee camps,5 which suffer from poverty, overcrowding, unemployment, poor housing conditions and fractured infrastructure. The living situations of Palestinian refugees are deteriorating as UNRWA halted its e-ration cards and cash assistance indefinitely.6 While the situation of Palestinian refugees in Jordan is better than in other UNRWA operation areas, the discriminatory policies they face are alarming.

Refugees from Gaza

Ex-Gazans, are understood by the Jordanian government to be those who are originally from Gaza or those who may have taken refuge in Gaza in 1948 and were subsequently displaced to Jordan.7 They hold a temporary two-year Jordanian passport with no national identification number, which renders them stateless. This allows the government to treat its holders as foreigners and allows it under Article 19 of the specified Law No. 24 of 1973 on Residence and Foreigners' Affairs to 'cancel a residence permit already granted to [the foreigner] and order him to leave the Kingdom without explanation.'8 These refugees mainly reside in the camps of Marka, Jerash, and Talbiyeh, with over 28,000 in the Jerash camp, which has the most dismal infrastructure.

The Right to Work

The lack of economic opportunities, in addition to the governmental restriction on permissible professions, and the work permit requirement for Gazan refugees have all resulted in a drastic deterioration of their living situations. 52.7% of Gazan refugees within the Jerash camp have an income below the national poverty line of 814JD.9 Moreover, Gazan

1 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>

2 "Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

3 Dario Sabaghi, "Born & Bred Without Rights: Gaza Strip Refugees In Jordan", *Insight On Conflict*, last modified 2017, accessed July 22, 2017, https://www.insightonconflict.org/blog/2015/07/born-bred-without-rig

4 Amin, K. (2017). *Health & Status of Palestine Refugees from Syria In Jordan: Situational Analysis*. John Snow Inc. (JSI)

5 Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

6 Interview with Palestinian Refugees from Gaza in Jordan. No public announcement has been made regarding this issue.

7 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017, P .32 https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

8 *Jordan: Law No. 24 of 1973 on Residence and Foreigners' Affairs* [], 1 January 1973, available at: http://www.refworld.org/docid/3ae6b4ed4c.html

9 "Jerash Camp." UNRWA. Accessed January 20, 2018. https://www.unrwa.org/where-we-work/jordan/jerash-camp.

refugees are three times more likely than other Palestinians in Jordan to be among the destitute poor, living on less than 1.25 USD a day.10

Under international law, Jordan is bound to respect the rights enshrined in the ICESCR, which it ratified in 1975. Article 6 stipulates that 'Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right '11 Likewise, Article 5 (e) (i) of the Convention on the Elimination of all Forms of Racial Discrimination (CERD), which Jordan ratified in 1974, states that 'the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration'12 should be enjoyed by everyone without distinction as to race, colour, or national or ethnic origin.

Nonetheless, Jordanian labour laws and those concerning refugees without citizenship breach its obligations under international law and create numerous obstacles to refugees' employment opportunities.

- Firstly, the Jordanian Labour law of 1966 stipulates that non-Jordanians are not allowed to work in the public service, and only 10% of those working in public service are Palestinian Jordanians with citizenship.13
- Secondly, the private sector requires proof of nationality and clearance from the General Intelligence Department;14 ex-Gazan are stateless individuals with no nationality to offer employers.
- Thirdly, given the fact that national ID numbers are conditions for entry into syndicates, Palestinian refugees from Gaza are excluded from the right to work in professions requiring syndicate membership including law, engineering, medicine and journalism.15
- Fourthly, Gazan refugees cannot own any business enterprise or property according to Law No. 40 of 195 on the Rent and Selling of Immoveable Properties.16

Moreover, in January 2016, the Jordanian government decided to require work permits from Gazan refugees to work in the private sector costing 180JDs,17 while the decision was announced to be revoked, as of January 2018, Gazan refugees still pay 60JDs to issue work permits.18 If a refugee changes jobs, he she has to issue a new work permit, the cost of which, many cannot afford. Such obstacles have caused the unemployment rate of ex-Gazans, specifically those in the Jerash camp to rise to 39% (81% among women and 25% among men) compared to only 14% for other Palestinian refugees in Jordan.19

Palestinian refugees from Syria (PRS)

The Obligation of Non-refoulement

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10 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017 P. 8 https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

11 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html

12 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: http://www.refworld.org/docid/3ae6b3940.html

13 Domenique Sherab, *Making The Legal Obstacles Palestinians Face In Jordan* (Amman: Arab Renaissance for Democracy and Development- Legal Aid, 2017), accessed July 4, 2017, https://ardd-jo.org/sites/default/files/resource-files/mapping_the_legal_obstacles_palestinians_face_in_jordan_en.pdf

14 Ibid

15 Ibid

16 Ibid

17 Adnan Abu Amer, "Palestinians in Jordan outraged over new work permit requirements," Al-Monitor, February 04, 2016. , accessed January 20, 2018, https://www.al-monitor.com/pulse/originals/2016/02/jordan-work-permits-palestinian-refugees.html

18 Interview with Palestinian Refugees from Gaza in Jordan

19 "GazaCamp,Jordan,BackgroundPaper-TheCommunityDevelopment Office". *Arabnyheter.Info*. Last modified 2013. Accessed July 3, 2017. http://arabnyheter.info/sv/2013/08/05/gaza-camp-jordan-background-paper---the-community-development-office/

In 2012, Jordan started denying entry to Palestinian refugees fleeing Syria, while simultaneously allowing Syrian refugees entry into the country.20 This policy extended to PRS already within the country, whereby according to the Syria Needs Analysis Project (SNAP) authorities deported over a 100 Palestinians back to Syria between 2013 and 2014.21 Moreover, UNRWA reported the refoulement of 22 PRS in 2017.22 While Jordan is not a signatory to the Refugee Convention which prohibits refoulement in Article 33,23 it has ratified the Convention Against Torture which stipulates in Article 3 that 'no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.'24 Since torture has a wide definition which includes: cruel, inhuman and degrading treatment, this discriminatory refoulement policy, which returns PRS to an environment where they live in dismal human conditions where their right to life is threatened, constitutes a breach of Jordan's legal obligations.

The Right to Movement

Jordan denies freedom of movement to some PRS. Article 12 of the ICCPR states that 'everyone lawfully within the territory of a State shall, within the territory have the right to liberty of movement and freedom to choose his residence.'25 Regardless of Jordan's ratification to the ICCPR, its treatment of some PRS contravenes its legal obligations. 200 PRS were held in the 'Cyber city' camp, which is enclosed by a fence and has checkpoints restricting refugees' movements.26,27 Given the fact that Jordan allows its citizens and other foreign residents to travel freely, the restrictions imposed on the Palestinian community from Syria constitutes a discriminatory policy. In General Comment 27, the Human Rights Committee stipulated that 'Liberty of movement is an indispensable condition for the free development of a person,'28 and is closely related to the actualisation of other rights codified within the ICCPR.

Conclusion

The discriminatory policies, and the disregard of certain human rights have psychological, economic, and social effects on Gazan refugees and PRS in Jordan. While the Jordanian government is liable to all of the human rights violations enumerated within the report, it is important to note Israel's complicity in perpetuating the suffering of Palestinian refugees by restricting their right of return. Consequently, the Palestine Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Demand the Jordanian government to comply with the international treaties which it has ratified including the ICCPR, ICESR, CERD, and CAT as compliance would ensure a much better protection of the human rights of Gazan refugees and PRS.
- Take strong measures to pressure Jordan to halt its discriminatory policies against ex-Gazans and PRS when it comes to employment, freedom of movement, and non-refoulement.
- Provide support to the Jordanian government as it struggles to cope with its refugee crisis.
- Urgently aid UNRWA in Jordan in order to continue its assistance and services to the beneficiary community.

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20 Magid, A. (2014). Jordan admits to barring entry of Palestinian refugees from Syria. [online] *Al-Monitor*. Available at: https://www.al-monitor.com/pulse/originals/2014/07/jordan-palestinians-syria-refugees-unrwa-hrw.html#ixzz4yJyyCau9 [Accessed 6 Dec. 2017].

21 *Syria Needs Analysis Project* (2014). Palestinians from Syria. [online] Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/palestinians_from_syria_march_2014.pdf [Accessed 6 Dec. 2017].

22 UNRWA (2017). *Jordan: emergency appeal mid-year achievements 2017*. [online] UNRWA. Available at: https://www.unrwa.org/sites/default/files/content/resources/2017_jordan_emergency_appeal_mid-year_achievements.pdf [Accessed 6 Dec. 2017]

23 Article 33: 'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, member- ship of a particular social group or political opinion.'

24 UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at http://www.refworld.org/docid/3ae6b3a94.html [accessed 23 January 2018]

25 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>

26 UNRWA. (2017). *PRS in Jordan* | UNRWA. [online] Available at: https://www.unrwa.org/prs-jordan [Accessed 6 Dec. 2017].

27 Hassan, H. (2014). Palestinian refugees from Syria war left to suffer by Jordan. [online] *e Electronic Intifada*. Available at: https://electronicintifada.net/content/palestinian-refugees-syria-war-left-suffer-jordan/13229 [Accessed 6 Dec. 2017].

28 UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <http://www.refworld.org/docid/45139c394.html>